IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE: PROSPECTIVE JUROR BRETT N. RAYBURN	)	**Case No. 16-MC-0074-MJR**

ORDER TO SHOW CAUSE

REAGAN, Chief Judge:

This case is before the Court after numerous attempts on behalf of the Clerk of the Court, for the United States District Court, Southern District of Illinois, to secure the cooperation of Brett N. Rayburn as a juror. To date, it is alleged that Rayburn has not complied with requests or directives to fill out the standard juror qualification form. Most recently, Rayburn failed to comply with, or otherwise respond to, the Clerk's October, 11, 2016 letter instructing him to appear within 10 days to complete the juror qualification form. The letter informed Rayburn that pursuant to 28 U.S.C. § 1864(a) he was required to periodically serve as a juror. The letter also warned him that a failure to comply could result in a sanction such as a $1000 fine, three days imprisonment, and/or community service, pursuant to 28 U.S.C. § 1864(b). In light of Rayburn's noncompliance, the Court now finds it appropriate to schedule a show cause hearing.

Due process requires that a person facing contempt sanctions be given adequate notice and fair opportunity to be heard in civil contempt proceedings. ***U.S. S.E.C. v. Hyatt*, 621 F.3d 687, 694 (7th Cir. 2010).** The Court finds that the initial Jury Duty Notice sent to Rayburn was sufficient to give him notice of his duties as a juror. Among other things, the form contained an explicit boldfaced warning that "**Jurors who fail to report when instructed to do so may be served by the U.S. Marshals Service with an order to show cause why they should not be held in contempt of court.**" The form also directed Rayburn to complete the juror qualification form, and to return it in a prepaid envelope. Rather than returning the juror qualification form, Rayburn handwrote on the Jury Duty Notice "I do not accept this offer to contract I do not consent to these proceedings." The Notice also bore his signature, said "without prejudice" and cited to the Uniform Commercial Code ("UCC") section 1-308. The return of the Notice form purporting to bear Rayburn's handwriting suggests that Rayburn was on notice of the potential contempt sanctions. Moreover, the Clerk of the Court followed up with the October 11, 2016 letter giving Rayburn a second chance to appear and to comply, and warning him of the risks of failing to do so. The Court finds that these two pieces of correspondence put Rayburn on notice of the potential contempt sanctions he faces. The Court is now setting a show cause hearing to give Rayburn an opportunity to be heard prior to the imposition of sanctions.

To ultimately assess sanctions, the Court must find by clear and convincing evidence that:

> (1) A court order sets forth an unambiguous command; (2) the alleged contemnor violated that command; (3) the violation was significant, meaning the alleged contemnor did not substantially comply with the order; and (4) the alleged contemnor failed to make a reasonable and diligent effort to comply.

***U.S. S.E.C.*, 621 F.3d at 692.** Here, the initial Jury Duty Notice, and the Clerk's October 11th letter directing Rayburn to appear and to complete the juror qualification form was clear, Rayburn did not comply by appearing or otherwise responding, and, the Court warned

Rayburn of the potential sanctions for non-compliance. The Court now schedules the matter for a show cause hearing to give Rayburn a final opportunity to respond and to comply with the juror questionnaire. The Court warns Rayburn for a final time that he is required by statute—28 U.S.C. § 1864(a) and (b)—to participate in jury duty.

Further, the Court warns Rayburn that it will not recognize as a reasonable excuse for non-compliance, any sort of protestor argument whereby Rayburn attempts to argue that he is not subject to the requirements of jury duty. The Seventh Circuit Court of Appeals, and other appellate courts, have held that jurisdictional arguments of this nature are frivolous and meritless in the tax-payer context, and this Court finds the same rationale to be applicable here. ***See United States v. Hilgeford*, 7 F.3d 1340, 1342 (7th Cir. 1993) (citing *United States v. Jagim*, 978 F.2d 1032, 1036 (8th Cir. 1992)) (holding that even "a sincere belief that [a defendant] is a citizen of a mythical "Indiana State Republic" and for that reason is beyond jurisdictional reach of the federal courts…was 'simply wrong'…'completely without merit' and 'patently frivolous.'")**

Based on the foregoing analysis, the Court hereby **DIRECTS** the respondent, Brett N. Rayburn, to **appear before the Court on December 1, 2016 at 11 a.m.** to complete the juror qualification form. The Court further cautions Rayburn that a failure to comply with this directive will result in a finding of contempt as well as the **issuance of a writ of body attachment**, which the U.S. Marshals will use to secure compliance. Should Rayburn fail to appear on December 1, 2016 at 11 a.m. before Chief Judge Reagan at the United States Courthouse for the Southern District of Illinois, 750 Missouri Ave., East St. Louis, Illinois, a writ will issue which will allow the U.S. Marshals to secure his appearance and compliance.

IT IS SO ORDERED.

DATED: October 31, 2016

s/ ***Michael J. Reagan***
Michael J. Reagan
United States District Judge